

MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD

MEETING MINUTES April 7, 2006

***** APPROVED September 22, 2006 *****

Members Present:

Gwen Brown
Princella Graham
Honorable Amy Krause, Chair
Honorable Nathaniel C. Perry, III
Lore Rogers

Staff Present:

Michelle Bynum
Debi Cain, Executive Director
Celestine Colton
Penny Hackett-Evans
Debbie Felder-Smith
Carol Hackett Garagiola

Julie Giddings
Mary Lovik
Barbara Mills
Carri Phillips
Karen Porter

Guests:

Renee Beeker, National Court Watch Project
Patrice Eller, DHS
Kathy Hagenian, MCADSV
Sheri Hunt, Little River Band of Ottawa Indians
Jean Mahjoory, SCAO

Welcome and Introductions

Chair A. Krause convened the April 7, 2006 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the DHS, Grand Tower Building in Lansing, MI, at 10:20 a.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda; approval of February 3, 2006 Board meeting minutes.

MOTION: Moved by L. Rogers to approve the April 7, 2006 agenda and to approve the February 3, 2006 meeting minutes. Seconded by G. Brown. Motion carried.

CHAIR'S REPORT

Chair A. Krause reported that board member L. Rogers has accepted a new job. Ms. Rogers officially disclosed that she has accepted a position as the Director of Domestic Violence & Sexual Assault Services at the YWCA of Flint and will begin work on April 10, 2006. The YWCA of Flint receives funding through grant contracts from the MDVPTB for domestic violence comprehensive and STOP grants. She

believes that a portion of her position has been, in the past, funded through some of these grant funds. After Ms. Rogers completed her disclosure, she left the room and the issue of her continuing to serve on the Board was discussed amongst the other board members. It was noted that the MDVPTB contracts have been extended through October 2007, and by the time contract renewals are addressed again her term will have expired and she will no longer be a member of the Board. A portion of her salary will be paid by the grant funds provided by the MDVPTB, but this was previously approved and that whoever is in that position would be getting paid in this manner. D. Cain noted that the contracts that come through the MDVPTB are actually Department of Human Services (DHS) contracts issued under Marianne Udow's signature as the Director of DHS. Also, the YWCA of Flint is an umbrella organization so the individual at the Flint YWCA who signs and authorizes their contracts would be the YWCA Executive Director, not Ms. Rogers.

MOTION: Moved by P. Graham that with the disclosure provided by L. Rogers, the Board allow her to remain a board member for the remainder of her second term. Seconded by G. Brown. Motion carried.

There was a recent press conference by Attorney General Mike Cox announcing that he would be seeking state legislation that would require law enforcement to file a report with Children's Protective Services (CPS) every time law enforcement responds to a domestic violence call at a home where children are present. Currently no legislation has been introduced, but the Board expressed concerns that the impact on survivors would be extreme and wants to indicate its opposition to any form of blanket legislation as has been proposed by the Attorney General.

MOTION: Moved by L. Rogers that any legislation that would require law enforcement to file a report with Children's Protective Services every time law enforcement responds to a domestic violence call in a home where children are present be opposed. This board recognizes the Attorney General may sincerely believe that such legislation will protect children from the effects of exposure to domestic violence. The board opposes any such legislative initiative as being counter to the Guiding Principle adopted by the board on December 3, 2004 which states that MDVPTB is committed to the development and implementation of policies that promote safety, security, autonomy, stability and justice for children exposed to domestic violence. The best way to promote safety, security, autonomy, stability and justice for children exposed to domestic violence is to provide safety, security, autonomy, stability and justice for the non-offending parent, and to hold the abuser accountable for the abuse. The holdings and discussions of the federal district court, the U.S. Court of Appeals for the Second Circuit, and the New York Court of Appeals in Nicholson v. Scoppetta (aka Nicholson v. Williams) provide helpful and important concepts that MDVPTB wishes to promote in policy discussions related to children exposed to domestic violence. Among the key concepts drawn from the Nicholson case that MDVPTB wishes to promote is the focus on the reasonableness of an abused parent's actions, given options for safety, stability, security, autonomy and justice available to the abused parent, and whether any actual harm to a child is clearly attributable to the abused parent's failure, rather than to the failure of systems and individuals responsible for stopping the abuser. That focus is more likely to result in policies, and determinations in individual cases, that promote safety, security, stability and justice for children exposed to domestic violence, and for victims of domestic violence. Current research and recommendations by respected experts in the field, including Dr. Jeffrey Edelson and Dr. Evan Stark, indicate that the best way to protect children from the effects of domestic violence is to enhance and strengthen systems that would prevent domestic violence from occurring. For these reasons, the board opposes any such legislative

initiative. Board requested document D. Cain prepared be attached to the minutes. Seconded by G. Brown. Motion carried.

A. Krause announced that Governor Granholm has declared April as Sexual Assault Awareness Month.

**The Governance Process and Policy Review:
Board Member's Code of Conduct**

The Board reviewed the policies. No motion required.

MONITORING TO ASSURE ORGANIZATIONAL PERFORMANCE

Executive Limitations:

Asset Protection

Financial Condition

Emergency Executive Director Succession

The Board reviewed and approved D. Cain's Asset Protection, Financial Condition, and Emergency Executive Director Succession reports.

MOTION: Moved by L. Rogers to accept the Executive Limitation Reports on Asset Protection, Financial Condition and Emergency Executive Director Succession. Seconded by G. Brown. Motion carried.

EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE

Updates from D. Cain: Provided an update on the STOP grant funding issues. She noted there were several obstacles to overcome in preparation of the FY 2007 STOP funding. Congressional action will most likely be needed to continue with the state formula that we are presently using. The state coalitions across the country are working on a congressional fix that would be retroactive and if it passes in the immediate future we can continue to use the current formula. OVW will allow state dollars to be used for match. Another issue we have been awaiting news on is the use of discretionary dollars. Debi will provide updates as they become available.

K. Hagenian provided a brief update on the long-term goals for STOP funding.

A suggestion was made to send a thank you letter to Congressman Conyers on behalf of the MDVPTB thanking him for his work on the STOP funding issues.

MOTION: Moved by P. Graham for the Board to send a thank you letter to Congressman John Conyers for his many years of support and continuing participation. Seconded by L. Rogers. Motion carried.

An additional suggestion was made to send a letter to the rest of the delegation letting them know that the Board appreciates their assistance in helping the survivors of domestic and sexual violence and in helping preserve the national model STOP program that has been created in Michigan.

MOTION: Moved by L. Rogers to send letters to delegation members thanking them for their support and assistance to survivors of domestic and sexual violence and helping to preserve Michigan's national model program. Seconded by G. Brown. Motion carried.

The DVD documentary "Breaking the Silence: Children's Stories" was viewed.

Marilyn Stephen, Director of the Office of Child Support with the Michigan Department of Human Services presented information on the upcoming budget cuts to the child support program as a result of the Federal Deficit Reduction Act which was signed by President Bush in February 2006. She described how the cuts will affect Michigan.

Legislative Review

M. Lovik reviewed the analysis provided to Board members on HB5879, 5880, 5881, 5882 and 5883, which addressed coerced abortions.

Motion: Moved by L. Rogers to adopt the following position: Given its mission to support safety and autonomy for survivors of domestic and sexual violence, the MDVPTB finds that this package of bills demonstrates a serious and dangerous lack of understanding of domestic violence and sexual assault and the risks posed to survivors by its provisions. The MDVPTB strongly opposes this package of bills due to shortcomings undermining the efforts of survivors to escape coercion, achieve safety and regain control of their lives, particularly in the critical area of reproductive health. The Board further adopts the analysis of the staff and strongly opposes the proposed legislation for the reasons stated in the analysis. Seconded by P. Graham. Motion carried.

C. Hackett Garagiola reviewed her memo included in the Board's legislative analysis. She noted that the House Judiciary Committee has convened a subcommittee on the Sex Offender Registration Act to review the Sex Offender Registration Act and to hear from the public regarding concerns with the Act. There have been three public hearings with public testimony regarding how the Sex Offender Registration Act has effected young men's lives and the issues they've encountered being on the registry. They are trying to convince the House Judiciary subcommittee to make changes to the Act. There is also the possibility that there may be some changes proposed to the criminal sexual conduct laws in the arena of 13, 14, and 15-year-olds having sexual relations with those within their own age or those within a few years of their age. Discussion ensued.

MOTION: Moved by L. Rogers to oppose legislation intended to accomplish the objective outlined in the memo by C. Hackett Garagiola and relying on the arguments provided in the memo. It is the mission of the MDVPTB to work to protect and enhance the safety of sexual assault survivors and to reduce and eliminate the potential that that would occur regardless of their age. Seconded by G. Brown. Motion carried.

M. Lovik reviewed her analysis of HB 5698 and 5701 contained in the legislative packet pertaining to divorce effects education and parenting plans.

MOTION: Moved by L. Rogers to oppose both bills as written and authorize staff to advocate for the amendments listed in the legislative analysis with the exception of the restrictive venue

provision. Seconded by G. Brown. Motion carried. L. Rogers dissented, stating she would simply oppose these bills.

C. Hackett Garagiola reviewed the PPO statutes for criminal sexual conduct survivors.

M. Lovik provided an update on HB 5495 and 5496. Both of these bills will facilitate the entry of a judgment of divorce if both parties file an affidavit saying they have resolved all the issues in the divorce.

M. Lovik reviewed the staff analysis of enrolled bill for HB 4161, amending the acknowledgement of paternity act. This will was enrolled without the Board's suggested changes being incorporated.

PUBLIC COMMENT

Renee Beeker, National Court Watch Project, thanked the Board for their work.

Kathy Hagenian, MCADSV, also thanked the Board for their work.

PROCESS EVALUATION:

None.

ADJOURNMENT

The meeting ended at 2:45 p.m.

MOTION: Moved by G. Brown to adjourn the meeting. Seconded by P. Graham. Motion carried.

Respectfully submitted,
Carri Phillips